

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 23-cr-156 (SRN/TNL)

United States of America,

Plaintiff,

v.

Michael Allen Burrell,

Defendant.

**DEFENDANT BURRELL'S MOTION
TO COMPEL DISCOVERY AND FOR
LEAVE TO FILE ADDITIONAL
PRETRIAL MOTIONS**

Defendant Michael Allen Burrell, by and through his undersigned counsel, moves the Court for an order compelling the government to provide discovery and for leave to file such additional pretrial motions as may be required after such production has been made. Pretrial motions are currently due on August 7, 2023. In support of this motion, defense counsel states:

1. This case involves multiple counts of alleged violent crimes and narcotics offenses including but not limited to an alleged RICO conspiracy. By prior order, the Court designated the case as complex based on volume of discovery and the nature of the prosecution. (ECF 57).

2. Prior case management orders (ECF 80, 85) required the government to make all required discovery disclosures to the defendants by no later than July 21, 2023. (*Id.*).

3. In connection with its discovery production, the government sought and obtained a protective order (ECF 91), which was unopposed by the defendants. Among other things, the protective order provided, in part, that “a complete copy of all discovery will be maintained under the control of the Sherburne County Jail and may be viewed by the Defendants in the secure computer area located in booking at the Sherburne County Jail.” Despite repeated

requests by defense counsel to make such discovery available, the government has failed to provide the jail with the promised discovery for independent viewing by the defendants.

4. In addition, while discovery disclosures were made to defense counsel on or about July 13, 2023, the vast majority of videotaped evidence has not been provided but rather remains “available for review” by defense counsel at the United States Attorney’s Office. The volume of video evidence makes scheduling appointments to view such evidence during normal business hours both unworkable and impractical. Moreover, since defense counsel has not been provided with copies of the videos, he has no way to meaningfully review the videos with his client.

5. Both defendant and his counsel need to be provided with all relevant discovery, in accordance with the protective order, to formulate and file appropriate pretrial motions.

6. Defendant Burrell is filing those pretrial motions today that he can make based on the discovery provided thus far. Insofar as additional issues are identified making further motions necessary, Defendant respectfully requests leave to file such motions at a later date.

This motion is based on the indictment, all records and files in this action, and any other matters presented prior to or at the time of hearing of this motion.

Respectfully submitted,

Dated: August 7, 2023

s/Steven E. Wolter
Steven E. Wolter, #170707
Kelley, Wolter & Scott, P.A.
431 S 7th Street, Suite 2530
Minneapolis, MN 55415
Phone: 612-371-9090
Fax: 612-371-0574
Email: swolter@kelleywolter.com

Attorney for Michael Allen Burrell

requests by defense counsel to make such evidence available, the Government has failed to